REMARKS

In response to the Office Action mailed March 27, 2003, Applicant respectfully requests reconsideration of this application, as amended, and consideration of the following remarks.

Amendments

Amendments to the Claims

Applicant has amended the claims to clarify that the skip value of a currently executed module determines the next module in a sequence to execute, and that modules in the sequence can be skipped. Additionally, inconsistencies in the claim language and typographical errors have been corrected. No new matter has been added as a result of these amendments.

Applicant has also renumbered claims 20-27 as claims 56-63 as required under 37 C.F.R. § 1.126, and amended the dependencies accordingly.

Rejections

Non-Statutory Double Patenting Rejections

Claims 1-4, 6-19 and 56-63

Claims 1-4, 6-19 and 56-63 stand rejected as unpatentable over claims 2-5 of U.S. Patent No. 5,448,735 in view of Frankel et al. (U.S. Patent 5,283,900). Applicant is submitting a terminal disclaimer herewith to overcome the obviousness-type double patenting rejection of claims 1-4, 6-19 and 56-63.

Rejections under 35 U.S.C. § 103

Claims 1-4, 6-19 and 56-63

Claims 1-4, 6-19 and 56-63 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hira et al. (U.S. Patent 4,954,948) in view of Frankel. Applicant respectfully submits that the Examiner has failed to state a *prima facie* case of obviousness because the combination does not teach each and every limitation of the invention as claimed in claims 1-4, 6-19 and 56-63.

Hira discloses a time-sharing system that schedules execution of an ordered series of N tasks through a global system variable, COUNT. The current value of the COUNT

variable determines which task is executed, i.e., if the current value of the COUNT variable is 1, the first task in the ordered series is executed, if the current value of the COUNT variable is 2, the second task in the ordered series is executed, etc. Each task is executed for a pre-determined period of time. After the time period expires, the execution of the current task is terminated, the COUNT variable is incremented by 1, and the next task in the ordered series is executed. When all N tasks have executed, the COUNT variable is re-set to 1 and the execution sequence begins again with the first task. Thus, each task in the ordered series is executed in order 1 through N.

The Examiner is equating Applicant's claimed skip value with Hira's COUNT variable. As claimed by Applicant, one or more subsequent modules may be skipped in the execution order based on the skip value. Because the COUNT variable in Hira is incremented by 1 each time, each task in the ordered series is executed according to its order. Therefore, Hira's COUNT variable cannot be properly interpreted as teaching or suggesting a skip value that causes modules in an execution sequence to be skipped.

Furthermore, the Examiner is relying on a single sentence in Hira to support her position that Hira's COUNT value is assigned to a module and thus is equivalent to between Applicant's claimed skip value that is associated with a module. However, the remainder of Hira's disclosure describes the COUNT variable as controlling all the tasks to be executed in a system or processor, and thus the COUNT value is global to all the tasks. Assigning the COUNT variable to a particular module or task contradicts the reminder of the disclosure. Therefore, when properly interpreted as a whole, Hira does not teach or suggest Applicant's claimed skip value that is associated with a particular executable module.

Even assuming that one could properly interpret Hira as assigning the COUNT variable to a particular task, Applicant claims that the skip value for the currently executed task indicates the next task to execute. While a task is executing, Hira's COUNT variable is the same as the ordinal of the currently executing task, i.e. COUNT=1 while the first task is executing. The COUNT variable is only incremented to specify the next task to execute after the currently executed task is terminated. Thus, if Hira's COUNT value was assigned to the currently executing task, it would indicate the ordinal of the currently executing task, not the next task to execute. Therefore, the

COUNT value cannot be properly interpreted as equivalent to Applicant's claimed skip value.

Moreover, in claims 1-4, 7-8, 16, 18 and 19, Applicant claims that the skip value is _stored in_ the module. The Examiner has failed to cite any disclosure in Hira that teaches or suggests that the COUNT variable is stored in a task. In fact, Hira discloses that programmable variables, such as TIME and COUNT, are internal counters stored in an internal register or RAM. Therefore, Hira does not disclose Applicant's skip value that is stored in a module.

Frankel is relied on as disclosing Applicant's claimed DSP data structure. Frankel contains no teaching or suggestion regarding controlling execution of a sequence of modules through a skip value as claimed by Applicant.

Because neither Hira nor Frankel teach or suggest, _intra alia,_ Applicant's skip value as claimed in independent claims 1, 9, 10, 16-19, and 57, the combination cannot be properly interpreted as disclosing each and every limitation claims 1-4, 6-10 and 56-63. Therefore, the combination of Hira and Frankel cannot render obvious Applicant's invention as claimed in claim 1-4, 6-19 and 56-63, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination

SUMMARY

Claims 1-4, 6-19 and 56-63 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-3476.
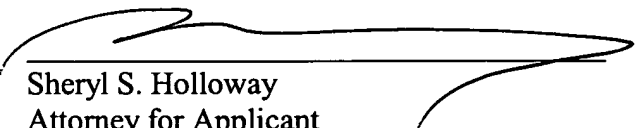
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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Dated: _June 23_, 2003

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